

# **EXHIBIT 2**

*Yakima County Superior Court, Case No. 21-2-02047-39  
(Case Information Sheet, Summons and Complaint)*

Case Information

21-2-02047-39 | ELIJIO MENDOZA vs STATE OF WASHINGTON et al

Case Number	Court	
21-2-02047-39	Yakima	
File Date	Case Type	Case Status
11/12/2021	MSC2 Miscellaneous - Civil	Active

Party

Plaintiff  
MENDOZA, ELIJIO

Defendant  
STATE OF WASHINGTON

Active Attorneys ▼  
Lead Attorney  
Brooks, Jacob Earl  
Retained

Defendant  
JOHNSON, MICHELLE

Defendant  
ACEVEDO-GONZALEZ, JOSE

Active Attorneys ▼  
Lead Attorney  
Brooks, Jacob Earl  
Retained

Defendant

PEPPER, JASON

Defendant

MARTIN, BRENT

Defendant

SMITH, CHRISTOPHER

Active Attorneys ▼

Lead Attorney

TAYLOR, DEREK THOMAS

Retained

Defendant

CAYS, KEVIN

Active Attorneys ▼

Lead Attorney

Barry, John Wellington Tsuj

Retained

Defendant

SHAW, DREW

Defendant

PEPPERS, RYAN

Events and Hearings

11/12/2021 Summons and Complaint
11/12/2021 Attachment ▼

Comment
INVESTIGATION REPORT
11/30/2021 Affidavit Declaration Certificate Confirmation of Service
11/30/2021 Affidavit Declaration Certificate Confirmation of Service
11/30/2021 Affidavit Declaration Certificate Confirmation of Service
11/30/2021 Affidavit Declaration Certificate Confirmation of Service
11/30/2021 Affidavit Declaration Certificate Confirmation of Service
12/01/2021 Affidavit Declaration Certificate Confirmation of Service
12/01/2021 Affidavit Declaration Certificate Confirmation of Service
12/08/2021 Notice of Appearance
12/10/2021 Notice of Appearance ▼
Comment
LIMITED
12/15/2021 Affidavit Declaration Certificate Confirmation of Service
12/15/2021 Notice of Appearance
12/15/2021 Demand for Jury 12 Person

(7) 240-

FILED  
TRACEY M. SLAGLE, CLERK

21 NOV 12 P 3:55

SUPERIOR COURT  
YAKIMA CO. WA  
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR YAKIMA COUNTY

ELIJIO MENDOZA

Plaintiff,

Vs.

STATE OF WASHINGTON

MICHELLE JOHNSON, CCO

JOSE "FREDDIE" ACEVEDO-GONZALEZ, CCO

JASON PEPPER, YAKIMA COUNTY SHERIFF DEPUTY

BRENT MARTIN, CCO

CHRISTOPHER SMITH, US MARSHALL

DETECTIVE KEVIN CAYS, YPD

DETECTIVE DREW SHAW, YPD

DETECTIVE RYAN PEPPERS, YPD

Defendants.

NO. **2120204739**

SUMMONS

TO: THE DEFENDANTS ABOVE NAMED

A lawsuit has been started against you in the above-entitled court by the above name plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing and serve a copy upon the undersigned plaintiff within twenty (20) days after the service of the summons (or within sixty (60) days after the service of this summons if served out of the State of Washington) excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what it asks for because you have not responded. If you serve a Notice of Appearance on the undersigned plaintiff, you are

34 entitled to a notice before a default judgment may be entered.

35       You may demand that the plaintiff file this lawsuit with the court. If you do so, the  
36 demand must be in writing and must be served upon the plaintiff. Within fourteen (14)  
37 days after you serve the demand, the plaintive must file this lawsuit with the court, or the  
38 service on you of the summons and complaint will be voided. If you wish to seek the  
39 advice of an attorney in this matter, you should do so promptly so that your written  
40 response, if any, may be served on time period we've done time.

41       This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of  
42 the State of Washington.

43       DATED this 12th day of November 2021.

44         
45  
46

FILED  
TRACEY M. SLAGLE, CLERK

'21 NOV 12 P3:55

SUPERIOR COURT  
YAKIMA CO. WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR YAKIMA COUNY

ELIJIO MENDOZA

Plaintiff,

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MICHELLE JOHNSON, CCO

JOSE "FREDDIE" ACEVEDO-GONZALEZ, CCO

JASON PEPPER, YAKIMA COUNY SHERIFF DEPUTY

BRENT MARTIN, CCO

CHRISTOPHER SMITH, US MARSHALL

DETECTIVE KEVIN CAYS, YPD

DETECTIVE DREW SHAW, YPD

DETECTIVE RYAN PEPPERS, YPD

Defendants.

NO. **21 2 0 2 0 4 7 3 9**

COMPLAINT

Comes now the Plaintiff, Elijio Mendoza, and for claim against the defendants Michelle Johnson, Jose 'Freddie' Acevedo-Gonzalez, Jason Pepper, Brent Martin, Christopher Smith, Kevin Cay's, Drew Shaw, and Ryan Pepper, alleges as follows:

1. On November 14th, 2018, Michelle Johnson, Jose Freddie Acevedo-Gonzalez, Jason Pepper, Brent Martin, and Christopher Smith We're working as the violent offender task force, focus on another individual when they thought they spotted someone fitting Elijio Mendoza's description, so they decided to follow him. After approximately 30 minutes they were not able to get a positive ID on Mr. Mendoza and due to the concern of school busses now dropping off

35 children Michelle Johnson reports 'calling it off and calling it calling it in"  
36 YPD then cleared them from the scene.

37           2. All 5 members of the violent offender task force  
38 continued to stay on scene after

39           3. Michelle Johnson, Brent Martin and Jason Pepper (being the  
40 driver) we're all in a white Dodge Durango while Christopher Smith (being  
41 the driver) and Jose Freddie Acevedo Gonzalez we're in a dark Silverado.  
42 Jason Pepper slammed into the front of Mr. Mendoza's Tahoe, while  
43 Christopher Smith hit him from behind pinning him in **at this point**  
44 **identification still had not been made.**

45           4. All 5 law enforcement officers had weapons drawn on Mr.  
46 Mendoza shouting out different commands for me to comply with. The  
47 violent offender task force did not have a tactical plan in place before the  
48 take down. Positive identification was not made until Christopher Smith  
49 broke the window and then identified Mr. Mendoza.

50           5. Elijo Mendoza was wanted for a DOC warrant and a  
51 misdemeanor warrant. Brent Martin reports Mendoza's hands going up-  
52 and-down a few times and Michelle Johnson reports Mendoza's hands up  
53 but says he was refusing to exit the vehicle. At no point while Mendoza's  
54 hands were in the air did any of the officers try to remove him safely by  
55 opening his door.

56           6. Lethal force was used on Mr. Mendoza.

57           7. Christopher Smith's recollection of events has changed multiple times  
58 throughout his interviews. 1st stating that Mendoza was driving directly at him,  
59 putting Smith in imminent danger. In detective case narrative used for  
60 Mendoza's detention during his preliminary hearing dated November 16th, 2018,  
61 Smith reports a totally different account. Originally Smith reported he shot  
62 Mendoza because Mendoza was coming directly at him, not because he thought  
63 he had run over Pepper there is no mention of this. Smith leads us to believe it  
64 was a cluster of shots after Mendoza hit the parked vehicle. This account differs  
65 drastically from later testimony. If you refer to the Diagram and the direction of



66 Mendoza's car Smith would Have had to run pretty far and put himself directly in front of  
67 Mendoza's car to be at risk. In that same narrative dated November 16th, 2018, it is  
68 reported deputy pepper and DOC officer Martin both report the mobile home was hit  
69 and Mendoza continued forward and at this point no shots have been fired yet  
70 contradictory to Smith's later account and smith had moved behind pepper's vehicle  
71 which would have put him out of harm's way refer to the map diagram note all bullet  
72 casings were found in the area behind pepper's truck.

73 8. In detective Cay's narrative report Smith is also reported to have yelled "stop, stop,  
74 stop" and then shooting but this is not consistent with the audio dispatch where you can clearly  
75 hear shots fired and allegedly Mendoza yelling "stop, stop, stop" Smith admits remembering  
76 Mendoza yelling stopped during this time period In detective Cay incident report dated  
77 December 18th 2018 and Smith's interview dated November 19th 2018 line 522 - 523 and 857  
78 - 858, smith remembers Mendoza is asking pleading with him to stop as he was being shot this  
79 is consistent with the dispatch call where we can hear Mendoza yelling stop stop stop then  
80 shots, in that same report smith remembers Mendoza having his hands in the air yelling no as  
81 smith is tasing him. In Smith's interview dated November 19th, 2018, smith also States after  
82 the shooting Mr. Mendoza asked him why he shot him.

83 9. In Smith interview dated November 19th, 2018, line 355 - 356, Smith stated  
84 Mendoza's hands were extended on the steering wheel before he tasted him and while the  
85 front passenger was exiting the vehicle, Smith perceived this as aggressive behavior and  
86 deployed his taser.

87 10. It was troubling how many inconsistencies there were within the report of detective  
88 Cay's, he immediately visited the scene and reports the evidence is consistent with Mendoza  
89 driving straight at Smith, yet there are no bullet holes in the windshield, hood of the car or the  
90 side of the car the bullets clearly entered through the driver's side window. Putting Smith to the  
91 side out of harm's way while shooting.

92 11. Lethal force is only to be used when you are in imminent danger and there  
93 are no other options. Smith remembers having enough time to strategically position  
94 himself and aim this shouldn't himself and aim for Mr. Mendoza's chest line 507, 541,  
95 54, 51, and 770-771., Smith specifically States he was ah little bit in front of the driver's  
96 door line 773 - 776 when he shot. Detective Cays did not identify the extreme

97 differences in the accounts of events reported to him he then included the 2  
98 separate accounts within his search warrant affidavit dated November 20th  
99 2018 that search warrant was presented to the prosecutor's office and was  
100 rejected but only due to not being enough evidence.

101 12. When a person is taste it is normal behavior to tense up and lose  
102 control of your body.

103 13. I believe there to be conflict of interest with Ryan pepper being  
104 allowed to do the majority of interviews and investigate a shooting (OIS) his  
105 brother was involved in period at I've been. At times it appears the officers  
106 being interviewed were uncomfortable saying anything that favored his brother  
107 Jason pepper. I felt there would be extreme conflict of interest to have an  
108 immediate family member be involved in the investigation. It is important to  
109 understand when Smith shot and why, what was going through his mind as he  
110 was making a split decision of this importance. There were extreme  
111 inconsistencies when Smith shot and why. His 1st account was because  
112 Mendoza was trying to run him over and the 2nd story explains 4 separate  
113 times he shot and thought about it before he shot. The most troubling comment  
114 made by Smith was in his interview with Kaye's online 766 through 767 When  
115 Smith says "I immediately wanted, ah to use lethal force after driving over  
116 pepper" It was then he took time to position himself and shoot. This statement is  
117 more consistent with revenge.

118 14. There is also a conflict of interest with Detective drew Shaw as he has  
119 known Mendoza since childhood. They went to the same schools growing up.  
120 Detective drew Shaw is well aware of who Mendoza is Outside of law enforcement

121 15. To my knowledge Christopher Smith was allowed to maintain his job under  
122 normal capacity, that is very disheartening as his inconsistencies and lies of this  
123 incident shows his moral judge of character and furthermore shows his credibility in  
124 this case and others.

125 Wherefore the plaintiff praise for the relief as follows:

- 126 1. His lost wages to extend through his lifetime.  
127 2. Pain and suffering

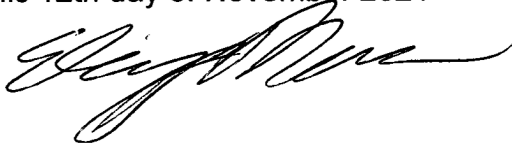
128 3. Compensation from all medical bills

129 4. Compensation of time loss due to Wrongful incarceration

130 5. That The court awards such further and other relief as may be deemed just

131 equitable.

132 Dated this 12th day of November 2021

A handwritten signature in black ink, appearing to read "W. J. [unclear]", is written below the date.